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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,150	10/06/2000	Evangelos A. Yfantis	YFANTIS.0008P	9969

7590

11/01/2002

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EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,150

Applicant(s)

YFANTIS, EVANGELOS A.

Examiner

Tung S Lau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 5, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould et al. (U.S. Patent 5,025,476) in view of Endoh (U.S. Patent 5,502,657) and Faulkner (U.S. Patent 5,483,601).

Gould discloses a method of determining the shape and size of a foot with scanning the imprint of the foot to obtain pixel image data, size of a foot (col. 1, lines 5-15, col.11, lines 62-68), foot imprint, obtaining image data, altered image (fig. 4a-6c), curvature information (fig. 5-6c) storing the information on computer system (col. 11, lines 62-68).

Gould did not disclose the point of depth and luminance value of the data.

Endoh disclose such approach (col.3, lines 15-31, col.4-5, lines 48-10, col. 6, lines 44-59, col. 9, lines 44-55), to improve accuracy of calculating three dimensional information on digital processing (col. 1, lines 55-63).

Gould did not disclose a compressible number related to imagine obtained.

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Faulkner discloses such application (col. 9, lines 31-60), in order to increase calculation speed using compress algorithm and number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gould to have the point of depth and luminance value of the data and use of a compressible number taught by Endoh and Faulkner in order to improve accuracy and speed of calculating three dimensional information on digital processing.

b. Claims 2, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gould, Endoh and Faulkner as applied to claims 1 and 5, and further in view of Shishizuka (U.S. Patent 5,786,906)

The Gould, Endoh and Faulkner combination disclose a method including the subject matter discussed above except the use of RGB, red, blue, green and Y pixel data, through a filter, YIQ data.

Shishizuka disclose such usage (col. 19-20, lines 65-24), to have an accurate image processing system (col. 2, lines 48-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gould to have the use of RGB, red, blue, green

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and Y pixel data, through a filter, YIQ data, taught by Shishizuka in order to have an accurate image processing system.

c. Claims 10, 11, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gould, Endoh and Faulkner as applied to claim 9, and further in view of Tamura et al. (U.S. Patent 6,040,860)

The Gould, Endoh and Faulkner combination disclose a method including the subject matter discussed above except the linear function of luminance value slope, the modification of first and second coefficient,.

Tamura disclose such application (col. 9, lines 16-65), to resolve S/N ratio problem in digital imaging (col. 2, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gould to have the linear function of luminance value slope, the modification of first and second coefficient, taught by Tamura in order to resolve S/N ratio problem in digital imaging.

d. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gould, Endoh and Faulkner and Tamura as applied to claim 11, and further in view of Kull et al. (U.S. Patent 6,301,532)

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The Gould, Endoh and Faulkner and Tamura combination disclose a method including the subject matter discussed above except the use of least square methods to minimize error.

Kull disclose the use of least square methods to minimize error (col. 2, lines 14-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gould to have use of least square methods to minimize error, taught by Kull in order to minimize error.

Response to Arguments

2. Applicant's argument with respect to claim 1-13 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 9/16/2002 have been fully considered but they are not persuasive.
 - a. Applicant representative argue that Gould does not teach the generating of foot size and shape information from data. Gould discloses the generating of foot size and shape information from data in col. 2, lines 45-54, fig. 4a-d.
 - b. Applicant representative argue the reason to combine Endoh to Gould.

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Endoh discloses a method to improve image calculation based on image input, (Abstract) and to improve accuracy of calculating three dimensional information on digital processing (col. 1, lines 55-63).

c. Applicant representative argue that neither Gould or Endoh use luminance to generate depth information. Endoh disclose the use of luminance to generate depth information (col. 9, lines 44-55).

d. Applicant representative argue the reason of combining Shishizuka.

Shishizuka discloses a method for processing a monochromatic image, while Gould process image using monochromatic image manipulation (col.2, lines 45-59). Combining Shishizuka can increase accurate image processing system (col. 2, lines 48-52).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

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TL



BRYAN BUI
PRIMARY EXAMINER